

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

**CORINTH CAPITAL, LLC**

**CIVIL ACTION NO: 3:20-cv-00916**

**VERSUS**

**JUDGE TERRY A. DOUGHTY**

**H & H X-RAY SERVICES, INC.**

**MAGISTRATE JUDGE KAREN HAYES**

**MEMORANDUM RULING**

Pending before this Court is a Motion for Summary Judgment [Doc. No. 16] filed by Corinth Capital, LLC, as successor-in-interest to and doing business as Energy Management Systems (“EMS”) against H & H X-Ray Systems, Inc. (“H & H”). To the motion, H & H filed an Opposition [Doc. No. 23], and, thereafter, EMS filed a Reply [Doc. No. 29]. For the reasons set forth herein, EMS’s motion is DENIED.

On July 23, 2020, EMS filed a Complaint against H & H for breach of contract, negligence, gross negligence, and unjust enrichment as a result of H & H’s alleged failure to properly x-ray and inspect seven skids built by EMS for Navigator Oil & Minerals, Inc.

On September 23, 2020, EMS filed the pending motion arguing that H & H had admitted fault. However, in its opposition H & H denies that it admitted liability and attaches declarations from six witnesses: Raymond Marshall, Joseph Embry, Aaron Frye, Kenneth Calip, Joseph Gant, and Scott Swanner.

A motion for summary judgment shall only be granted where there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56. There are issues of fact regarding fault of H & H in this proceeding.

Therefore, the Motion for Summary Judgment [Doc. No. 16] filed by EMS is DENIED.

MONROE, LOUISIANA, this 28<sup>th</sup> day of October, 2020.



TERRY A. DOUGHTY  
UNITED STATES DISTRICT JUDGE